

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Constitution of State Commission for Protection of Child Rights - Rules for State Commission for Protection of Child Rights – Issued.

DEPARTMENT FOR WOMEN, CHILDREN, DISABLED & SENIOR CITIZENS (JJ)

G.O.Ms.No. 5

Dated: 25-03-2013.

Read the following:

1. From the Secretary, Ministry of Human Resource Development (Department of Women & Child Development), Government of India, New Delhi, Letter D.O.No.3-2/2004-CW(Vol.III), dated 27.01.2006.
2. From the Member-Secretary, National Commission for Protection of Child Rights, Government of India, New Delhi, Letter No.NCPCR/MS Sectt/State Comms./2007/10, dated: 18.01.2008.
3. From the Director, Women Development & Child Welfare Department, A.P. Hyderabad, Letter No.9512/B2/10, dated 04.09.2010.

-000-

ORDER:

The following notification shall be published in the Extra-ordinary issue of Andhra Pradesh Gazettee, dated: 25.03.2013.

NOTIFICATION

In exercise of the powers conferred by section 36 of The Commissions for Protection of Child Rights Act, 2005 (Central Act No.4 of 2006), the Government of Andhra Pradesh hereby makes the following rules, namely

1. Short Title and Commencement

- (a) These rules may be called the Andhra Pradesh State Commission for Protection of Child Rights Rules, 2013.
- (b) They shall come into force on the date of their publication in the Official Gazette

2. Definitions

- (a) "Act" means The Commissions for Protection of Child Rights Act, 2005 (Central Act No.4 of 2006).
- (b) "State Commission" means 'State Commission for Protection of Child Rights' constituted under section 17 of The Commissions for Protection of Child Rights Act, 2005;
- (c) "Chairperson" means the Chairperson of the State Commission;

- (d) "Member" means the Member of the State Commission;
- (e) "Secretary " means the Secretary of the State Commission;
- (f) "Section" means a section of Act;
- (g) Words and expression used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Eligibility for Appointments as Chairperson and Members.

- (1) Any person who has at least ten years experience in the areas stated in sub-section (2) of section 17 of the Act may be appointed as Chairperson or Member of the State Commission.
- (2) No person having any past record of violation of human rights or child rights shall be eligible for appointment as Chairperson or Member of the State Commission.
- (3) No person having been convicted and sentenced for imprisonment of an offence which in the opinion of the State Government involves moral turpitude, shall be eligible for appointment as Chairperson or Member of the State Commission.
- (4) No person having been removed or dismissed from service of the Central Government or State Government or a body or corporation owned or controlled by the Central Government or a State Government shall be eligible for appointment as Chairperson or Member of the State Commission.
- (5) A person having held office with Commission as a Member or a Chairperson for two terms shall not be eligible to be appointed as a Chairperson or Member of the State Commission.

4. Selection Committee

- (1) The Chairperson and the Members of the State Commission shall be appointed on the recommendation of a three Member Selection Committee constituted by the State Government under the Chairmanship of the Minister in charge of Child Development, nominee of the Chief Justice of the High Court of the State and Speaker of the State Legislature.
- (2) For the purposes of selection of the Chairperson and Member the State Government shall invite applications from qualified candidates from the public through an advertisement in at least in two leading national and vernacular dailies and the selection committee shall prepare a short list from the applications so received. The short listed candidates shall be selected on merit through an interview by the Selection Committee. Such selected candidates shall be recommended by the Selection Committee to the State Government for appointment.

- (3) The Selection Committee shall also prepare a wait list of two persons for each of the posts. The wait list shall be valid for three months.

5. Terms and Conditions of Service of Chairperson and Members

- (1) The State Commission for Protection of Child Rights shall function full time as an independent and autonomous body.
- (2) The Chairperson shall, unless removed from office under section 7, hold office for a period of three years, or till the age of sixty-five years, whichever is earlier.
- (3) Every Member shall, unless removed from office under section 7, hold office for a period of three years, or till the age of sixty years, whichever is earlier.
- (4) Notwithstanding anything contained in sub-rule (2) or sub-rule (3),
 - (a) a person who has held the office of Chairperson shall be eligible to re-apply, and
 - (b) a person who has held the office of a Member shall be eligible to re-apply as a Member or as a Chairperson;
- (5) If the Chairperson is unable to discharge his functions owing to illness or other incapacity, the State Government shall nominate any other Member to act as Chairperson and the Member so nominated shall hold office of Chairperson until the Chairperson resumes office or till the remainder of his term.
- (6) The Chairperson or a Member may, by writing under his hand addressed to the State Government, resign his office at any time.
- (7) A vacancy caused by death, resignation or any other reason shall be filled-up within ninety days from the date of occurrence of such vacancy.

6. Secretary

- (1) The Secretary shall be appointed by the State Government in accordance with sub-section (1) of section 21 of the Act.
- (2) The Secretary shall hold office full time for tenure of three years.

7. Terms and Conditions of Service of Officers and Other Employees of the State Commission.

- (1) The State Government shall appoint such officers and employees as may be necessary for the efficient performance of the State Commission.

- (2) The terms and conditions of service of officers and employees shall be made applicable as prescribed in the Andhra Pradesh State and Subordinate Service Rules, 1996.
- (3) The officers and employees of the State Commission shall perform duties as per the directions of the State Commission.

8. Powers and Duties of the Secretary

The Secretary shall:-

- (i) Have power to execute all decisions taken by the Commission in order to carry out the powers and functions of the Commission as provided in sub section (1) of section 13 and section 14 read with section 24 of the Act.
- (ii) Exercise and discharge such powers and perform such duties as are required for the proper administration of the affairs of the Commission and its day to day management as specified in section 21;
- (iii) Convene the meetings of the Commission in consultation with the Chairperson and serve notices of the meetings to all concerned;
- (iv) Take steps to ensure that the quorum required for convening a meeting of Commission is secured;
- (v) In consultation with the Chairperson, prepare the agenda for each meeting of the Commission and shall have notes prepared by the Secretariat and such notes shall, as far as possible, be self-contained;
- (vi) Make available specific records covering the agenda items to the Commission for reference;
- (vii) Ensure that the agenda papers are circulated to the Members at least two clear working days in advance of the meeting, except in cases when urgent attention is required;
- (viii) Prepare the minutes of the meetings of the Commission and shall execute the decisions of the Commission taken in the meeting and shall also ensure placing the Action Taken Note of the decisions of the Commission before the Commission in its subsequent meetings;
- (ix) Ensure that procedure of the Commission is followed by it in transactions of its business;
- (x) Take up all such matters in consultation with the Department of Women and Child Development for release of grants, creation of posts, revision of scales, procurement of vehicles, appointment of staff, laying of annual and audit report in Assembly, re-appropriation of funds, residential accommodation, permitting any officer of the Commission for deputation abroad and any other matter requiring the approval of the State Government;

- (xi) Exercise such financial powers as are delegated to him by the Chairperson on behalf of the Commission,

Provided that no expenditure on any item exceeding one lakh rupees shall be incurred without the sanction of the Chairperson; and

- (xii) Be the appointing and disciplinary authority in respect of officers and other employees of the Commission.

9. Salaries and Allowances

- (1) The Chairperson shall be paid salary equivalent to the salary of the Chief Secretary and every other Member shall be paid salary equivalent to that of a Principal Secretary of the State Government.

Provided that where the Chairperson or any other Member is a retired Government servant, Semi-Government body, public sector undertaking or recognised research institution, the salary payable together with the pension or pensionary value of the terminal benefits, or both, received by him shall not exceed the last pay drawn.

- (2) The salary and allowances payable to, and the other terms and conditions of service of the Secretary and the other officers and other employees appointed for the purpose of the Commission shall be such as may be determined by the State Government from time to time.
- (3) If the Chairperson or a Member is in service of the Central Government or a State Government, his/her salary shall be regulated in accordance with the rules applicable to him/her.

10. Dearness Allowance

The Chairperson and every other Member shall receive dearness allowance appropriate to their pay at the rates admissible to officers of the equivalent level of the State Government.

11. Compensatory (City) Allowance

The Chairperson and every other Member shall receive Compensatory (city) allowance appropriate to their pay at the rates admissible to officers of the State Government of the equivalent level.

12. Leave

The Chairperson and every other Member shall entitle to leave as follows:-

- (a) Earned leave, half pay leave and commuted leave as admissible to State Government servants in accordance with the Andhra Pradesh Leave Rules, 1933, as amended from time to time.

- (b) Extraordinary leave as admissible to the temporary State Government servants under the Andhra Pradesh Leave Rules, 1996 as amended from time to time.

13. Leave Sanctioning Authority

- (1) The State Government shall be the authority competent to sanction leave to the Chairperson.
- (2) The Chairperson shall be the authority competent to sanction leave to every Member and the secretary
- (3) The Secretary shall be the authority competent to sanction leave to any officer or other employee of the Commission.

14. Traveling Allowance

- (1) The Chairperson and every other Member shall be entitled to draw traveling allowances and daily allowances at the rates appropriate to their pay admissible to equivalent post of the State Government.
- (2) The Chairperson and every other Member shall be his own controlling officer in respect of his bills relating to traveling allowances and daily allowances.

15. Residential Accommodation

- (1) The Chairperson and every other Member shall be entitled to the use of an official residence as may be determined by the State Government.
- (2) If the Chairperson or a Member is not provided with or does not avail himself of the accommodation provided under sub-rule (1), he shall be paid every month house rent allowance at the rates admissible to officers of an equivalent rank in the State Government.

16. Facility for Conveyance

The Chairperson and every other Member shall be entitled to the facilities of staff car for journeys for official and private purpose in accordance with the Rules governing the use and maintenance of staff cars and other Government vehicles, as amended from time to time.

17. Facility for Medical Treatment

The Chairperson and every other Member shall be entitled to the medical treatment and hospital facilities as applicable to State Government servants of equivalent rank or as may be determined by the State Government.

18. Residuary Provisions

The condition of service of Chairperson and the other Members of which no express provision has been made in these rules shall be such as may be determined by the State Government.

19. Function of the Commission

The Commission shall, in addition to the functions assigned to it under clauses (a) to (k) of sub-section (1) of section 13 with modifications as per section 24 of the Act, perform the following functions, namely:-

- (a) Analyse existing law, policy and practice to assess compliance with Convention on the Rights of the Child, undertake inquiries and produce reports on any aspect of policy and practice affecting children and comment on proposed new legislation from a child rights perspective;
- (b) Study national and state policies that impact children and ensure that they comply with international child rights standards.
- (c) Present to the State Government, National Commission for the Protection of Child Rights and other Commissions of the State annually and such other intervals as the Commission may deem fit, reports upon the working of safeguards in relation to children;
- (d) Undertake formal investigations where concern has been expressed either by children themselves or by concerned person on their behalf ;
- (e) Ensure that the work of the Commission is directly informed by the views of children in order to reflect their priorities and perspectives;
- (f) Promote, respect and give serious consideration of the views of children in its work and in that of all Government Department and Organizations dealing with child;
- (g) Produce and disseminate information about child rights;
- (h) Compile and analyze data on children
- (i) Promote the incorporation of child rights into the school curriculum, teachers training and training of personnel dealing with children
- (j) Refer cases and issues of national and inter-state importance to the National Commission for the Protection of Child Rights as and when required;
- (k) Make regional visits and hold public meetings at least once every year in all regions of State.

20. Procedure for Transaction of Business

- (1) The State Commission shall meet regularly at such time as the Chairperson thinks fit, but three months shall not intervene between its last meeting and next meeting.
- (2) Notwithstanding anything contained in sub-rule (1) Secretary shall convene an extraordinary meeting of the State Commission on the requisition made to the Secretary in writing for the purpose by majority of the members of the State Commission.
- (3) The State Commission shall meet at regular intervals for the purposes of disposing complaints.
- (4) The State Commission shall ordinarily hold its meetings in its office located in Hyderabad but may, in its discretion, hold its meetings at any other place in the state if it considers it necessary or expedient to do so.
- (5) The State Commission or some members may transact business at places outside its headquarters with the prior approval of the Chairperson, provided that parties are to be heard in connection with any inquiry under the Act and at least two members shall constitute the bench of the Commission for such purpose.
- (6) Secretariat-Assistance:-
 - (i) The Secretary, along with such officers as the Chairperson may direct, shall attend the meetings of the Commission;
 - (ii) The Secretary shall, in consultation with the Chairperson, prepare the agenda for each meeting of the Commission and shall have notes prepared by the Secretariat and such notes shall, as far as possible, be self-contained;
 - (iii) The records covering the agenda items shall be made readily available to the Commission for its reference;
 - (iv) The agenda papers shall ordinarily be circulated to Members at least two clear working days in advance of the meeting, except in cases where urgent attention is required;
- (7) Four members including Chairperson shall form the quorum at every meeting of the State Commission;
- (8) All decisions of the State Commission at its meeting shall be taken by majority.

Provided that in the case of equality of votes, the Chairperson, or in his absence, the person presiding shall have and exercise a second or a casting vote;

- (9) The State Commission may invite, if it is considered necessary, for such purpose and on such conditions as may be prescribed, any person with expert knowledge in a particular subject to be present at the meeting to assist the State Commission in arriving at a decision but such person shall not be entitled to vote.
- (10) Every expert, if he is not in service of the Central or State Government or in an institution funded by the Central or State Government, shall be paid a sitting fee Rs.500 (Rupees five hundred only) for attendance of each day of the meeting of the State Commission subject to a maximum of Rs.1,500/- (Rupees one thousand five hundred only) per month.
- (11) Every expert, if he is not in service of the Central or State Government or in an institution funded by the Central or State Government, attending a meeting of the State Commission shall be paid, in addition to the sitting fee payable under sub-rule (10) above, travel allowance and daily allowance at the rates admissible to the First Grade Officer under the rules and orders made by the State Government from time to time.
- (12) If, for any reason, the Chairperson is unable to attend the meeting of the Commission, any Member chosen by the Members present from amongst themselves at the meeting shall preside.

21. Notice of Meetings

- (1) At least seven days notice of all meetings of the State Commission shall be given to each member, but an extraordinary meeting may be called for on a twenty-four hour notice.
- (2) The notice shall state the venue, date, time and the agenda for the meeting.

22. Minutes of the Meeting

- (1) The minutes of each meeting of the State Commission shall be recorded during the meeting itself by the Secretary or by any other officer of the State Commission as directed.
- (2) The minutes of the meeting of the State Commission shall be submitted to the Chairperson for approval, and upon approval, be circulated to all members of the Commission at the earliest; but in any case within a period of seven days from the date of the meeting.
- (3) The conclusions of the State Commission in every matter undertaken by it shall be recorded in the form of an opinion and dissenting opinions, if given, shall also form part of and be kept on record. Action shall be taken on the basis of majority opinion where there is any difference of opinion.

- (4) All orders and decisions of the State Commission shall be authenticated by the Secretary or any other officer of the State Commission duly authorized by the Secretary with the prior approval of the Chairperson in this behalf.
- (5) Unless specially authorized, no action shall be taken by the Secretariat of the State Commission on the minutes of the meetings until the Chairperson confirms the same.
- (6) A master copy of the record of all meetings and opinions of the Commission shall be maintained duly authenticated by the Secretary.
- (7) A copy of the minutes pertaining to each item shall be kept in the respective files for appropriate action. Opinions shall be kept in respective records and for convenience, copies thereof with appropriate indexing shall be kept in guard files.

23. Report of Action Taken

Report of the follow up action shall be submitted by the Secretary to the State Commission at every subsequent meeting indicating therein the present stage of action taken on each item, on which the Commission had taken any decision in any of its earlier meetings, excepting the items on which no further action is called for.

24. Panel of Consultants

- (1) The State Commission may constitute a panel of consultants for assisting the State Commission in wide range of task including such as investigation, inquiry, to serve on task forces or Committees, for study, research and analysis.
- (2) The State Commission may draw on experts from academic, research, administrative, investigative, legal or civil society groups to form the panel.
- (3) The State Commission may devise a transparent process of empanelling these consultants so that they are available for quick delegation of tasks.

25. Annual Report

- (1) The State Commission shall prepare and publish an annual report prior to the 31 December every year for submission to the State Government.
- (2) The State Commission shall also prepare special reports on specific issues as and when necessary under direction of the Chairperson.
- (3) The State Government shall cause the annual and special reports of the State Commission to be laid in accordance with sub-section (2) of section 23 of the Act before each of House of State Legislative.

- (4) The annual report shall include information on administrative and financial matters, complaints investigated/inquired into; action taken on cases; details of research; reviews; education and promotion efforts; consultations; details and specific recommendations of the State Commission on any matter, besides any other matter that the State Commission may consider warranting inclusion in the report;
- (5) In case the State Commission considers that there could be a time lag for the preparation of the annual report, it may prepare and submit a special report to the State Government. The annual report shall be submitted within three months of submitting the special report.
- (6) The State Commission shall place the annual report on the Commission's website.
- (7) Forms in which the budget may be prepared and provided and forwarded to the State Government shall be as provided in forms I,II,III and IV of Schedule 1 annexed to this rules.
- (8) The estimated receipts and expenditure shall be accompanied by the revised budget estimates for the relevant financial year.
- (9) The budget shall, as far as may be, be based on the account heads specified in Schedule II.

26. Financial Powers

- (1) The State Commission shall spend the sums of money received by it for the purposes of the Act.
- (2) The Chairperson shall have all powers relating to financial transaction of the State Commission, except in cases, which require prior approval of the State Government.
- (3) The Chairperson shall obtain prior approval of the State Government in matters of creation of posts, revision of pay scales, procurement of vehicles, re-appropriation of funds from one head to another, permitting any Officer/ Member of the Commission to attend/participate herself/himself in seminars/conferences/trainings abroad and such other matters as determined by the State Government, by order.
- (4) The Chairperson shall, subject to such conditions and limitations and control and supervision, have powers to delegate his financial powers to any Member or the Secretary;

Provided that no such powers shall be delegated in respect of incurring an expenditure on an item exceeding one lakh rupees without the prior approval of the Chairperson.

- (5) The Chairperson shall have powers to engage any person or persons as consultant or consultants for a specific purpose and for a specific period on the terms and conditions agreed in advance relating to honorarium, traveling allowance, dearness allowance.
- (6) The Secretary shall have powers to execute all decisions taken by the Chairperson or any other Member on his behalf relating to financial matters.
- (7) All financial powers of the Commission shall be governed by the General Financial Rules, delegation of financial powers Rules and economy instructions issued by the Department of Finance of the State Government from time to time.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

NILAM SAWHNEY
PRL.SECRETARY TO GOVERNMENT.

To
The Commissioner, Printing & Stationery,
Hyderabad (with a request to publish in the
Extra-ordinary issue of the A.P. Gazette, dt:23.03.2013
and furnish (500) copies to the Govt.
The Commissioner,
Women Development & Child Welfare Department,
Hyderabad.
The Director, Juvenile Welfare Correctional Services &
Welfare of Street Children, A.P., Hyderabad.

Copy to:

The Law Department.
PS to Special Secretary to Chief Minister.
The P.S. to Minister for IKP, WCD&SC.
The P.S. to Principal Secretary to Govt., Department for W.C.D.& S.C.
Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER

SCHEDULE 1
FORM 1
THE STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS
Detailed Budget Estimates for the year 20____
(See rule 25 (7))
ADMINISTRATION
(Expenditure)

[illegible]

FORM II

THE STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS

ESTABLISHMENT

Statement details of provision for pay of officers/Establishment for the year 200.... – 200....

(See rule 25 (7))

[illegible]

FORM III
THE STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS
NOMINAL ROLLS
(See rule 25 (7))

[illegible]

FORM IV
THE STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS
(Abstract of Nominal Rolls)
(See rule 25 (7))

Actual sanctioned as on 1 st March, 200...	Particulars of Posts	Sanctioned Budget grant 20... – 20...		Revised Estimates 20... – 20...	Budget Estimates 20... – 20...			Explanation for the difference between sanctioned budget revised estimates and budget estimates
		No.of Posts included	Pay and allowan-ces	No.of Posts included	Pay and allowance	No.of Posts included	Pay and allowance	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	I. Officers (a) Posts filled (b) Post vacant Total-I officers. II. Establishment (a) Posts filled (b) Post vacant Total-II Establishment. III. Class IV (a) Posts filled (b) Post vacant Total-III Class IV.							
	GRAND TOTAL-I, II & III							

SCHEDULE II
BUDGET AND ACCOUNT HEADS
(See rule 25(9))
ADMINISTRATION
Heads of Accounts (Expenditure)

1. Salaries
2. Wages
3. Travel Expenses
4. Office Expenses
 - (a) Furniture
 - (b) Postage
 - (c) Office Machines/equipment
 - (d) Liveries
 - (e) Hot and cold weather charges
 - (f) Telephones
 - (g) Electricity and water charges
 - (h) Stationery
 - (i) Printing
 - (j) Staff car and other vehicles
 - (k) Other items
5. Fee and honoraria
6. Payment for professional and special services
7. Rents, rates and taxes/royalty
8. Publications
9. Advertising sales and publicity expenses
10. Grant in aid/contributions/subsidies
11. Hospitality expenses, sumptuary allowances etc.
12. Pension/gratuities
13. Write off/losses
14. Suspense's
15. Other charges (a residuary head, this will also include rewards and prizes)

Heads of Account (Receipts)

1. Payment by Central Government
2. Other receipts